

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHANDRA SANASSIE,

Defendant.

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Criminal Action No. 08-17 GMS

**MOTION OF THE UNITED STATES
FOR A PRELIMINARY ORDER OF FORFEITURE**

The United States of America, by and through Colm F. Connolly, United States Attorney for the District of Delaware, and Douglas E. McCann, Assistant United States Attorney for the District of Delaware, submits its Motion for a Preliminary Order of Forfeiture in the above-entitled case for the reasons set forth below. A proposed order is submitted with this motion.

1. Defendant has been convicted of the offenses alleged in Counts One, Two and Three of the Felony Information. In the Felony Information, the United States gave notice to the defendant that, in the event of her conviction, she would be required to forfeit to the United States all proceeds derived from the offense alleged in Count One up to \$417,406.35.

2. On March 25, 2008, the Court accepted a Memorandum of Plea Agreement where the defendant agreed to the entry of a money judgment against her in the amount of \$417,406.35.

3. The United States has not, as of this date, identified specific assets that were derived from the violations specified in Count One of the Felony Information. Also, the United States has not yet identified any property of the defendant that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p). The United States may request by separate motion leave to take discovery to identify substitute assets.

4. Accordingly, the United States seeks the entry of a Preliminary Order of Forfeiture consisting of a personal money judgment against the defendant in the amount of \$417,406.35.


5. The entry of a Preliminary Order of Forfeiture in the form of a personal money judgment is specifically authorized by Rule 32.2(b)(1) and (c)(1) of the Federal Rules of Criminal Procedure. Such orders of forfeiture are commonplace. *See United States v. Voigt*, 89 F.3d 1050, 1084, 1088 (3d Cir. 1996) (the Government is entitled to a personal money judgment equal to the amount of money involved in the money laundering offense); *United States v. Vampire Nation*, 451 F.3d 189, 202 (3d Cir. 2006) (approving of money judgments in criminal cases).

6. Once the Preliminary Order of Forfeiture is entered, the Government may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit specific property of the defendant, having a value up to the amount of the money judgment, as substitute assets. *See Voight*, 89 F.3d at 1088 (once the Government has obtained a money judgment, it may forfeit defendant's assets in partial satisfaction of that judgment).

WHEREFORE, the United States respectfully requests that this Court enter a preliminary order of forfeiture as proposed in the attached order.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

By: 
Douglas E. McCann
Assistant United States Attorney

DATED: April 17, 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

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PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on March 25, 2008, the defendant Chandra Sanassie entered a plea of guilty to a Three-Count Felony Information where she agreed to the entry of a money judgment in the amount of \$417,406.35; and

WHEREAS, the United States has filed a Motion for Entry of Preliminary Order of Forfeiture which would consist of a personal money judgment against the defendant in the amount of \$417,406.35; and

WHEREAS, Rule 32.2(c)(1) provides that "no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;"

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED this ____ day of _____, 2008 that the defendant shall forfeit to the United States the sum of \$417,406.35 pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c);

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and

IT IS FURTHER ORDERED that pursuant to Rule 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made part

of the sentence and included in the judgment

IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) to amend this Preliminary Order of Forfeiture to substitute property having a value not to exceed \$417,406.35 to satisfy the money judgment in whole or in part.


HONORABLE GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Douglas E. McCann hereby certify that copies of the foregoing motion and proposed order were served this 18th day of April, 2008 on the following counsel in the manner indicated:

BY FIRST CLASS MAIL

Peter N. Letang, Esquire
1716 Wawaset Street
P.O. Box 188
Wilmington, DE 19899-0188



Douglas/E. McCann